



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 11, 1996

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR96-1863

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33410.

Travis County (the "county") received a request for information relating to an accident that occurred on February 15, 1995 in which a particular individual was killed.<sup>1</sup> Specifically, the requestor seeks the following information:

1. The supplemental offense report filed by the Austin Police Department following their investigation of the incident;
2. Any statements taken by the police officers;
3. All photographs taken at the scene of the incident;
4. A copy of any information concerning the intoxication level of [individual]; and
5. A copy of the video tape of [individual], if one was made after his arrest.

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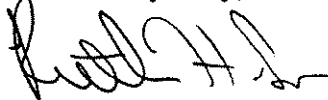
<sup>1</sup> Included among the documents you seek to withhold is an accident report form that appears to have been completed by a law enforcement officer in accordance with chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Under this provision, the police "is required to release" a copy of an accident report to a person who provides the county with two or more pieces of information specified by the statute. *Id.* In the situation at hand, the requestor provided the county with the date of the accident and the names of persons involved in the accident. Thus, if it has not already been disclosed, the accident report must be released to the requestor.

You assert that the requested information is excepted from required public disclosure pursuant to sections 552.101, 552.103, 552.108, and 552.111 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." See *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Generally, information normally found on the front page of an offense or incident report is considered public. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We therefore conclude that with the exception of the front page offense report information, the county may withhold the remaining requested information from disclosure based on section 552.108 of the Government Code.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/ch

Ref.: ID# 33410

Enclosures: Submitted Documents

cc.: Mr. Daniel Sciano  
Tinsman & Houser  
One Riverwalk Place, 14th Floor  
700 North St. Mary's Street  
San Antonio, Texas 78205  
(w/o enclosures)

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<sup>2</sup>Having concluded that the county may withhold the requested information based on section 552.108, we need not address your other claims at this time.